

## MINUTES

### CITY PLAN COMMISSION/ARCHITECTURAL REVIEW BOARD

MARCH 7, 2016

The City Plan Commission/Architectural Review Board of the City of Clayton, Missouri, met upon the above date at 5:30 p.m. Upon roll call, the following responded:

Present:

Acting Chairman Ron Reim  
Mark Winings, Aldermanic Representative  
Craig Owens, City Manager  
Josh Corson  
Sherry Eisenberg  
Pepe Finn

Absent:

Chairman Steve Lichtenfeld

Also in Attendance:

Susan M. Istenes, AICP, Planning Director  
Louis Clayton, Planner  
Kevin O'Keefe, City Attorney

Acting Chairman Ron Reim asked that all cell phone ringers be turned off, that conversations take place outside the meeting room and that those who wish to speak approach the podium and to be sure the green light on the microphone is on for proper recording of this meeting.

## MINUTES

The minutes/transcription of the February 16, 2016 meeting were approved, after having been previously distributed to each member.

Acting Chairman Ron Reim announced that there will be a slightly different format for this meeting as there is some public comment expected.

Ben Uchitelle, Clayton resident and former Mayor, began by complimenting this format of receiving public comment, stating that he hopes it continues. He thanked the members for their service and hard work and the satisfaction that often comes as a result, making Clayton a strong and vibrant community. He offered a suggestion and slight criticism regarding the most recent proposal for the Maryland School Townhome Project. He noted that meeting room was packed with people both for and against the project and that the members respectfully listened to all the

public comments. He noted that letters both for and against the project were also received. He noted that staff approved the project and after 2 hours of discussion, there was a vote taken; 6 opposed; 1 in favor. He stated that Mark Winings was the only member to comment, stating that he felt the project was not right for the area. He urged the members and stated he feels they have an obligation to the citizens to articulate why the project is not right; the reasons for voting “no”. He questions why the proposal was defeated. He reiterated that the reasons for the denial were not articulated and they should be.

Jane Klamer stated that she has similar feelings; there were no reasons given for the denial and she doesn’t understand why. She stated that Mark’s only rationale was that it was too big. She noted the project is now dead and it shouldn’t be. She stated that it makes no sense to have single family residences facing the old Famous Barr building and she is not alone in thinking that single family residential is not right for the site. She stated that she does not believe the Commission fulfilled their responsibility. She noted the months of work that staff put into this project and she does not know what the Board of Education can do with the decision left with them. She added that even though the neighbors are happy and that for them, this is a win, she does not believe this Commission did a good job.

Acting Chairman Ron Reim thanked staff for their work; they provided thorough staff reports which recommendation is based on a tight reading of the rules. He noted that this Commission does not always follow staff recommendations.

#### AMENDMENT TO PREVIOUSLY APPROVED SITE PLAN – SINGLE FAMILY RESIDENCE – 53 ARUNDEL PLACE

Jeff LaDriere, builder, was in attendance at the meeting. He asked if there were any questions about the proposal.

Acting Chairman Ron Reim asked for background information.

Mr. LaDriere stated that there were issues with the neighbor’s driveway; there is an easement original to 53 and 51, so they are proposing to relocate the fence to provide the neighbors more clearance space.

Acting Chairman Ron Reim asked if they relocated the HVAC from the side of the house to the rear of the house.

Mr. LaDriere replied “yes”, as a result of the neighbor’s concern of noise.

Acting Chairman Ron Reim asked if there was 5-foot of clearance originally.

Mr. LaDriere responded not initially, but that it was moved to conform but ultimately relocated to the back anyway.

Acting Chairman Ron Reim asked staff if tonight's only issues are the fence and driveway.

Louis Clayton replied "yes"; noting that the mechanical equipment relocation was administratively approved.

Acting Chairman Ron Reim asked if the revised scheme results in the width of the driveway at the street being the same.

Mr. LaDriere replied "yes".

Acting Chairman Ron Reim asked if that was discussed with the owners of 51.

Mr. LaDriere replied "no", noting the amount of contention between the two property owners.

Acting Chairman Ron Reim asked the City Attorney for confirmation that this Board is not here to adjudicate easement issues.

City Attorney O'Keefe confirmed, adding that it is not in our capacity to sort out property rights and regardless, we have to authority to enforce them. He added that nothing this Board does impacts easements.

Mr. LaDriere stated that the requested amendment clears the easements by about 18-inches.

Sherry Eisenberg asked Mr. LaDriere to show her on the site plan the area in question.

Mr. LaDriere explained that the previously approved plan tapered the driveway on the 53 side and the fence followed the taper and ended with a cumbersome gate. They are now proposing that the existing driveway from the front property line to the fence to remain in place and to relocate the fence behind the original rear building line and orient it perpendicular to the property line. He stated that these amendments don't intrude on the driveway easement and will allow more than 10 feet wide driveway space for the neighboring property to access their detached garage.

Mark Barvian, 51 Arundel Place, commented that he is happy to see this 2-year project coming to an end. He stated that the HVAC units were moved because they were not 5-feet away from the property line. He voiced his concern regarding water run-off due to the overage of coverage; he questioned why the concrete wasn't removed. He informed the members that they have sandbags to keep water from entering their garage.

Acting Chairman Ron Reim asked if water is their key concern or if there are other concerns.

Mr. Barvian stated that there are other concerns, but they are being dealt with elsewhere. He noted the fence is currently in the wrong place, but where it is being moved to is the approved location.

Acting Chairman Ron Reim asked for confirmation that Mr. Barvian is okay with the fence relocation (as proposed).

Mr. Barvian replied “yes”.

Acting Chairman Ron Reim asked about the water issue.

Mr. Barvian stated that he hoped the concrete would be removed.

Pepe Finn asked what concrete he is referring to.

Mr. Barvian indicated it is a triangular piece that’s been there.

Mr. LaDriere informed the members that after Christmas there was a highly unusual rainfall and on a Saturday he was at the property; an obstruction was discovered which was cleared. He believes that resolved the water issue, but tonight will be the test (based on the forecasted rain).

Acting Chairman Ron Reim asked if there’s been a water issue since that time after Christmas.

Mr. LaDriere stated that he did not believe so, but he knew that the inspector Jerome Toney has visited the site.

Nicole Barvian commented that the shared driveway is not wide enough to park on; it’s only supposed to be used for ingress/egress, but because the Min’s moved the garage, their driveway leads to nowhere, so now they park in front of the house, blocking her and her husband’s ingress and egress.

Acting Chairman Ron Reim referred to the easement.

City Attorney O’Keefe stated that he understood that the 53 easement is for the benefit of 51.

Ms. Barvian informed the members that there are two easements.

Kevin O’Keefe stated that the easements allow the right of passage for both owners.

Hearing no further questions or comments, Acting Chairman Ron Reim called for a motion.

Josh Corson made a motion to approve as submitted. The motion was seconded by Mark Winings and unanimously approved by the members.

ARCHITECTURAL REVIEW – ADDITION TO SINGLE FAMILY RESIDENCE – 26  
CARRSWOLD DRIVE

Jay Sparks, project architect, was in attendance at the meeting.

Susan Istenes explained that this is a request to construct a 909-square-foot, 2-story addition to the north side of the existing home. The addition is the same height as the existing home, measuring 26 feet from existing grade to the midpoint of the new roof. There are no adjacent homes to the north. The primary building materials for the proposed addition are brick and limestone accents. A slate roof and black windows are also proposed. All new materials will match existing. The applicant has submitted project approval from the subdivision trustees.

Mr. Sparks presented a color rendering to the members. He stated that the materials will all match; that the first floor will be a screened in porch and the second floor will be one large room. He noted that the addition will take up about  $\frac{3}{4}$  of the existing terrace, so basically there will be very little land disturbance.

Acting Chairman Ron Reim commented that it is a nice addition. He asked if the chimney is existing.

Mr. Sparks replied “yes”.

Hearing no further questions or comments and hearing none from the audience, Craig Owens made a motion to approve as submitted. The motion was seconded by Sherry Eisenberg and unanimously approved by the Board.

Acting Chairman Ron Reim asked when they hope to begin construction.

Mr. Sparks indicated that the contractors have stated that they can begin as soon as the building permit is ready (a few weeks he hopes).

#### ARCHITECTURAL REVIEW – EXTERIOR ALTERATION – 8025 BONHOMME AVENUE (CLAYTON ON THE PARK)

Mark Rubin, Koman Properties/COTP, LLC, owner, was in attendance at the meeting.

Kevin O’Keefe asked if he could interrupt the meeting for a moment to make a brief comment, as he has to leave early this evening. He addressed the members regarding the comments that were made at the beginning of this meeting (noting that he was sorry those commentators had left already) regarding this Commission’s actions and vote involving the proposed Maryland School Townhome Project. He stated that this Commission/Board in legislative matters as well as the Board of Aldermen speaks by its vote; it is the judgement that finds a majority that expresses the view of the Commission; and that each member has his/her own reasons for voting a certain way and those reasons may differ between members and that is certainly okay. He stated that he disagrees with the comments made that the members have an obligation to explain or specify the

reasons for voting a certain way/turning down application; that the members in contrary do not have an obligation to express details of reasoning, even though people may be curious as to those reasons. Prudence suggests that the vote speaks for itself. He stated that is how this Commission conducted themselves and he commended them for that. He added that he believes this Commission discharges itself very well and to keep up the good work.

Susan Istenes explained that this is a request to clad an existing concrete wall on the north side of the site with the same hardwood material to complement to the recently completed building and site improvements. She stated that staff recommends approval as requested.

Mr. Rubin noted that this is a very minor alteration to enhance the new restaurant's entrance.

Mark Winings asked if there is a sign for Parigi.

Mr. Rubin replied "yes", it is on the corner.

Josh Corson commented that this is better than EIFS.

Mr. Rubin agreed.

Hearing no further questions or comments, Pepe Finn made a motion to approve as requested. The motion was seconded by Craig Owens and unanimously approved by the members.

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Pepe Finn stated that she thought the project (Maryland School Townhome) was going to continue to be discussed at a future meeting.

Susan Istenes indicated that it was scheduled on tonight's agenda for further discussion, but the applicant withdrew the proposal.

Mark Winings asked about the timeline regarding the tree ordinance.

Louis Clayton indicated that last Monday, staff held a workshop; 25-30 people attended both developers and members of the public. There was an open comment period and an on-line survey. He stated that April 18<sup>th</sup> is the tentative date for the ordinance to be presented to the Plan Commission and the Board of Aldermen in late May.

Acting Chairman Ron Reim asked if the newest version is similar to what was presented previously.

Louis Clayton stated that much of the language is the same; the major difference is a tree canopy requirement for residential.

A brief discussion ensued regarding new Centene development. Acting Chairman Ron Reim asked if they will be presenting in conceptual form before presenting for formal review. Susan Istenes indicated that she did not know; however, staff will recommend them doing so. The issue of parking was brought up. Susan indicated that a parking study would be required.

Craig Owens informed the other members that the City sent out a Request for Proposal for development proposals for Wydown/Hanley, Brentwood/Forsyth and the old police building (227 South Central Avenue); the City received proposals for the Wydown/Hanley and Brentwood/Forsyth sites, but none yet for the old police building site.

Being no further question or comments, this meeting adjourned at 6:35 p.m.

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Recording Secretary